

## CALIFORNIA APPRENTICESHIP COUNCIL

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## STANDARDS, RULES, REGULATIONS & OPERATING PROCEDURES COMMITTEE MEETING

### MINUTES

Thursday – October 29, 2009 10:00 a.m.

I. Call To Order/ Roll Call

CAC Chairperson Aram Hodess called the meeting to order at 10:00 a.m.

Members present: Aram Hodess, Carl Goff, Les DenHerder, Donna Bechthold, Pat McGinn, Anne Quick, and Glen Forman,

Members absent: Neil Struthers, Frank Secreet

A quorum was met.

II. Review/Approval of the minutes of July 30, 2009

Commissioner Bechthold made a motion to accept the minutes and Commissioner DenHerder seconded the motion. The motion carried and the minutes were approved.

III. Discuss and take action on regulatory language to discourage bad-faith requests for dispatch of apprentices.

- There was continuing discussion on proposed language for minimum dispatch requests for apprentices intended to discourage requests for apprentices being made in bad-faith. Additional language has been included to provide to exceptions where circumstances beyond an employers control exist.
- Fred Lonsdale, OD Legal Counsel, suggested that the language did not provide for circumstances, where more than one apprentice was to be employed and appropriate revisions were adopted.
- It was also noted that DAS was incorrectly referred to as the Department of Apprenticeship standards rather than the Division. This was also corrected.

Commissioner DenHerder made a motion to adopt the language as modified and Commissioner Quick seconded the motion.

Rick Davis, DOL, Office of Apprenticeship read the modified language changes requested by Commissioner McGinn.

It was moved and seconded to approve the draft language to be recommended to the CAC. The motion was carried.

IV. Proposed regulation changes to apprentice complaints

- Fred Lonsdale, OD Legal, gave a report on the issues which make apprentice appeal processes unnecessarily cumbersome and lengthy. Some are result of statute which CAC cannot change. Others are result of regulations which DAS can address. Mr. Lonsdale suggested that an apprentice can file an appeal for any disciplinary action where the committee has acted in violation in its rules, regulations and standards. This will hopefully not require the Director of DIR

to hold a hearing, but allow the Director to hold hearing if it were necessary. The apprentice would have to file an appeal within 30 days of having disciplinary action taken against them. If they do file an appeal, they would have to state the specific violation of the rules, regulations and standards that had taken place. The program would have a certain amount of time to respond and provide evidence to DAS that they have followed their rules, regulations and procedures, including procedural rules for imposing the discipline. At that point the Administrator will look at the evidence to see if the program acted appropriately, in which case they could dismiss the complaint and allow the apprentice to appeal to the CAC.

- There was further discussion by the public and Chairman Hodess asked Mr. Lonsdale to draft a memo of the changes he would recommend and perhaps have it posted on the DAS website prior to the next meeting for public review and discussion.
- Time did not permit discussing the agenda item regarding how DAS will enforce the revised 203.1. It will be added to the next agenda.
- Commissioner DenHerder suggested adding to the next agenda, to formally adopting the CAC Operating Manual. Chairman Hodess will add to the next agenda.

#### V. Adjournment

- Time did not permit discussing other agenda items. A motion and a second was made to adjourn the meeting. The meeting adjourned at 11:15 a.m.